

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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CITIZENS INSURANCE CO. OF  
AMERICA, as Subrogee of  
GRACELAND FRUIT, INC.,

Case No. 1:04-CV-385

Plaintiff,

and

Hon. Richard Alan Enslen

GRACELAND FRUIT, INC.

Plaintiff/Counter-Defendant,

v.

KIC CHEMICALS, INC.,

Defendant/Counter-Plaintiff/  
Third-Party Plaintiff,

v.

CFC, INC., d/b/a COLUMBUS FOODS  
CO., INC. or COLUMBUS FOODS CO.,

Third-Party Defendant.

**ORDER**

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This matter is before the Court on Plaintiffs' Objection and Motion to Strike Defendant KIC's Reply to Plaintiffs' Brief in Response in Opposition to Defendant KIC's Motion for Attorney Fees and Costs.

Defendant KIC filed a Reply brief in opposition to Plaintiffs' Response on June 8, 2007. Upon review, the Court finds this Reply brief was improperly filed pursuant to Local Civil Rule 7.3(c). As a motion for attorneys's fees and costs is not a "dispositive motion" as specifically defined in Local Civil Rule 7.2(a), such a motion is non-dispositive. W.D. MICH. LCIVR 7.2(a) &

7.3(a). Ergo, such a reply brief may not be filed without leave of this Court. W.D. MICH. LCivR

7.2(c). However, the Court believes allowing a Sur-Reply from Plaintiffs will be more beneficial in assisting the Court in resolving the pending motion rather than striking Defendant KIC's Reply.

Accordingly,

**IT IS HEREBY ORDERED**, that Plaintiffs' Objection and Motion to Strike Reply Brief (Dkt. No. 217) is **GRANTED IN PART AND DENIED IN PART**, such that Defendant's Reply Brief shall not be struck but Plaintiffs are granted leave to file a Sur-Reply Brief. The forthcoming Sur-Reply Brief shall be filed within **14 DAYS** of this Order, be limited to 10 pages in length, and only address the contentions made in Defendant's Reply Brief (Dkt. No. 212).

DATED in Kalamazoo, MI:  
June 28, 2007

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE